

**CONTINUATION-IN-PART
DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am one of the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"SOUND RECORDING AND REPRODUCTION SYSTEM"

Case No. **P97,1046**; the specification of which is a continuation-in-part application of U.S. Serial No. 08/289,257 filed on August 11, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

I acknowledge the duty to disclose to the United States Patent Office all information known to me, which information is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, 1.56(a)¹. I also acknowledge the duty to disclose to the United States Patent Office all information known to me to be material to patentability as defined in §1.56 which became available between the filing date of the prior application, **August 11, 1994**, and the filing date of this continuation-in-part application.

As to the subject matter of this application which is common to **U.S. Serial No. 08/289,257 filed on August 11, 1994**, I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earlier application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this earlier application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this earlier application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this earlier application by me or my legal representatives or assigns, except as identified below.

As to the subject matter of this application which is not common to **U.S. Serial No. 08/289,257 filed on August 11, 1994**, I do not know and do not believe this invention was ever known or used

¹(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (I) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of unpatentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)		
Number	Country	Date

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

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Number	Country	Date

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And I hereby appoint Messrs. John D. Simpson (Reg. No. 19,842), Lewis T. Steadman (17,074), Dennis A. Gross (24,410), Steven H. Noll (28,982), Kevin W. Guynn (29,927), Robert M. Barrett, (30,142), Robert M. Ward (26,517), Brett A. Valiquet (27,841), Edward A. Lehman (22,312), James D. Hobart (24,149), Marvin Moody (16,549), Melvin A. Robinson (31,870), David R. Metzger (32,919), James Van Santen (16,584), William C. Stueber (16,453), and J. Arthur Gross (13,615) all members of the firm of Hill, Steadman & Simpson, A Professional Corporation

Telephone: 312/876-0200 Ext. 3165

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Hill, Steadman & Simpson
A Professional Corporation
85th Floor Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor MICHAEL J. NOVOSEL

Inventor's signature _____

Date _____

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Full name of second joint inventor VINCENT S. FLESZEWSKI, III

Inventor's signature _____

Date _____

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Full name of third joint inventor KELLY BOLES

Inventor's signature Kelly Boles

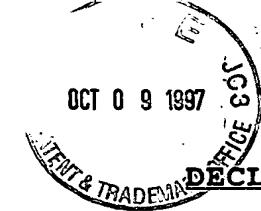
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OCT 09 1997



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Full name of first joint inventor MICHAEL J. NOVOSEL

Inventor's signature Michael J. Novosel Jr.

Date May 5 1997

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Inventor's signature Vincent S. Fleszewski

Date April 30 1997

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Citizenship USA

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Full name of third joint inventor KELLY BOLES

Inventor's signature _____

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